

**United States District Court****for the****Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Nov 06, 2018**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Nickole Marie McCoy Case Number: 0980 2:17CR00056-TOR-1

Address of Offender: , Spokane, Washington 99212

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge

Date of Original Sentence: February 15, 2018

Original Offense: Theft from Indian Tribal Organization, 18 U.S.C. § 1163

Original Sentence: Prison - 4 days Type of Supervision: Supervised Release  
TSR - 36 months

Asst. U.S. Attorney: U.S. Attorney's Office Date Supervision Commenced: February 15, 2018

Defense Attorney: Federal Defenders Office Date Supervision Expires: February 14, 2021

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**PETITIONING THE COURT**

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance1      **Mandatory Condition # 1:** You must not commit another federal, state or local crime.**Supporting Evidence:** On November 3, 2018, Ms. McCoy was in direct violation of mandatory condition number 1 by being charged with driving under the influence (DUI), case number 2018-10154742.

On February 20, 2018, Ms. McCoy was read and given a copy of her judgment, and the conditions of supervision were explained to her.

On November 6, 2018, the undersigned officer became aware of a police report from the Spokane County Sheriffs Office. This report outlined the actions of Ms. McCoy on November 3, 2018.

The report states Ms. McCoy was swerving in the road, and at one point hit a curb and went onto the sidewalk. The officer pulled Ms. McCoy over and conducted further questioning. She indicated she had consumed alcohol at a friend's house. The officer arrested Ms. McCoy for DUI (2018-10154742) after failing numerous field sobriety tests. She gave her first breath sample at 11:46 p.m. and the results were a Blood Alcohol Concentration (BAC) of .214.

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**Special Condition # 21:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** On November 3, 2018, Ms. McCoy was in direct violation of special condition 21 by self-disclosing she consumed vodka. She later supplied a BAC of .214.

On February 20, 2018, Ms. McCoy was read and given a copy of her judgment, and the conditions of supervision were explained to her.

Upon reviewing report 2018-10154742, filed on November 3, 2018, the law enforcement officer had questioned Ms. McCoy in regard to what alcoholic beverage she had consumed. Ms. McCoy self-disclosed she drank vodka that night at a friend's house.

Ms. McCoy also gave her first breath sample at 11:46 p.m. and the results were a BAC of .214.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/06/2018

s/Joshua Schull

Joshua Schull  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Thomas O. Rice  
Chief United States District Judge  
November 6, 2018

Date